

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

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WRIT PETITION NO : 3704 of 2005

Between:

Kushalava Finance Limited,

Represented its Manager,

M.G. Road, Labbipet, Vijayawada.

..... PETITIONER

AND

The Station House Officer,

Kothagudem III Town Police Station,

Khammam District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in not filing the charge sheet in Crime No. 203/2002 on the file of the

I Additional Sessions Judge, Khammam, and consequently direct the respondent to file the charge sheet in connection with Crime No.203/2002 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.T.SRIKANTH REDDY

Counsel for the Respondent: G.P. FOR HOME

The Court at the stage of admission made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

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W.P.No.3704 of 2005

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ORAL ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

2. The petitioner is aggrieved by the inaction of the respondent in not filing the charge sheet in Crime No.203 of 2002 on the file of I Additional Sessions Judge, Khammam.

3. The factual background appears to be that the petitioner is a third party whose vehicle was seized in the process of an offence. It also appears that the petitioner is a financier. It further appears that the case was registered under Section 25 (1) (a) of the Indian Arms Act and Section 4 of the Prevention of Terrorism Act 2001. Even this information is also subject to verification.

4. The learned counsel appearing for the petitioner submits that in the year 2003 he made an application before the I Additional Sessions Judge, Khammam, seeking release of the vehicle in question. The said application was dismissed by order, dated 10-01-2003, which was challenged by way of Criminal Revision Case No.127 of 2003 before this Court. The said revision case was also dismissed by a Division Bench of this Court with liberty to the petitioner to approach the trial Court after the investigation is completed.

5. No information as to whether the investigation is completed or not and whether the charge sheet is filed or not is forthcoming. However, it is asserted by the learned counsel appearing for the petitioner that since the charge sheet is not yet filed, the vehicle in question could not be released, nor the petitioner could approach the trial Court. It is totally indiscernible as to why the petitioner kept quiet till 2003 though the vehicle in question was seized on 30-11-2002.

6. Further more, a person, who is not at all involved or interested in the trial of the criminal case, seeks a direction to the respondent to file the charge sheet expeditiously. It is for the trial Court to go into that aspect and take appropriate action, as ordained by the provisions of the Code of Criminal Procedure. I do not find any justifiable reason to entertain the present writ petition at this stage.

7. However, the petitioner is at liberty to approach the trial Court again with full particulars, if so chooses and advised.

8. With the above observations, the writ petition is disposed of, at the stage of admission. However, there shall be no order as to costs.

D.S.R. VARMA, J

02ND MARCH 2005

ISN/KRK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Station House Officer,

Kothagudem III Town Police Station,

Khammam District.

2. Two CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT).

3. Two CD copies

